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Transparency in Law Enforcement

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ABSTRACT

Historically, police departments have been reluctant to provide news and other information to those outside of their selective group. This fear was based on instances where law enforcement had been more forthcoming with information, and the media used this same information to cast the law enforcement community in a negative light. The purpose of this white paper is to provide several contrasting viewpoints on the divisive topic of transparency in law enforcement. Through various arguments and success stories, it will be shown that although this may have been the reality of the past, times have changed, and so must the relationship between the media and law enforcement. No longer can police departments turn away those who also have a duty to serve the public. Police departments must learn to function with a new level of openness and to use the media as a tool, both to develop the public trust, as well as to build partnerships committed to furthering the goals of all those involved.

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INTRODUCTION

The news media as a whole has an obligation to report what is happening in society to the general public. To facilitate this public right to know, the media relies heavily on law enforcement agencies to be forthcoming during critical incidents, as well as in their daily operations. This relationship was also pointed out by Rosenthal (1999), who stated, “even without freedom of information laws on the federal and state books, as public safety officers you should strive for the fullest possible dissemination of information” (p. 8). Therefore, law enforcement essentially must attempt to maintain a high level of transparency with the public, not just in critical situations, but every day. This is best achieved by using the media as their primary outlet to the community.

To build a relationship with the media, police agencies also utilize a Public Information Officer (PIO), who helps to fulfill the agency’s mission in building trust between the media and the police. According to Caeti, Liederbach, and Bellew (2005), “the primary mission of the PIO is to act as a conduit between the police and media” (p.94). The use of the PIO has become commonplace in many law enforcement agencies. PIO’s act as the liaison between the media and law enforcement; in fact, “only a full time PIO will be able to cultivate the media and individual reporters regularly and actively foster the critical relationship of mutual trust, respect and understanding that is an integral element of effective police-media relations” (Rosenthal, 1999, p. 63). It is in everyone’s best interest to work closely with the media, and that is exactly what law enforcement must do to accomplish this mission.

For a law enforcement agency to function in the most effective and efficient manner, they must be able to use the public to assist them. Partnerships can be

developed by working with communities through programs specifically designed to prevent criminal activity and through other programs developed to help in the solving of crimes that have already occurred. To assist in this endeavor, “police departments often seek to use the media to involve community members in crime prevention and problem solving” (Chermak & Weiss, 2003, p. ii). For many jurisdictions, community involvement is often the key to solving crimes, which, without the public assistance, would likely go unsolved. According to Chermak and Weiss (2006), “the news media have the potential to be an important community policing partner, helping the police identify community problems and communicating the department’s efforts to the public and community leaders” (p. 138). The media has the unique ability to reach the public in ways that law enforcement cannot do alone. Therefore, it is in the best interest of law enforcement to partner with their media counterparts.

Police departments are committed to protecting the rights and privileges of everyone. It is also their duty to ensure the safety of each person, as well as provide piece of mind to all members of the community, so, in the end, the community may live without a constant fear of crime. Ultimately, all law enforcement agencies should strive to be more transparent when working with the media.

POSITION

The public has always had a keen interest in law enforcement. Undoubtedly, television has played a significant role in developing this unique attraction. According to Getty (2001), “crime is seen to be the single most popular story element in the history of U.S. commercial television” (p. 216). Also, as stated by Parrish (1993), “America has a fascination with the police, which is obvious by the countless hours and high ratings of

television shows based on law enforcement” (p. 3). Due to this high level of interest, media outlets have come to discover one simple way to provide for both the news needs as well as the entertainment needs of the public. It is also the media’s obligation to provide the public with the stories required to satisfy their need to know.

When explained by Getty (2001), “the media seem to enjoy covering crime stories because they are considered easy and inexpensive stories to cover and something in which the public is interested” (p. 126). Police stories were considered to be the best available resource in providing for many of the requirements of the media. As a result, everyone depends on the success of building a connection between these two establishments. As observed by Chermak and Weiss (2005), “if police officials cooperate and are accessible, reporters are very satisfied with the relationship” (p. 511).

As a means to obtain the stories surrounding law enforcement, the media maintains its role as the public’s key representative. Therefore, as stated by Rosenthal (1999), “if the public asks (or the media ask on behalf of the public) then law enforcement is legally required to respond” (p. 8). To fulfill these requests, law enforcement agencies also have an obligation to respond as required by law. As pointed out by Vance (1997), “for law enforcement, a policy of complete, consistent responses to media queries enhances public understanding and support” (p. 8). If the police have carried out what is required of them, then the media is able to do their job of getting their story out to the masses.

To maintain a high level of trust between the police and the public, every effort should be made to provide the most complete information as possible to the media. As stated by Vance (1997), “in the arena of police-media relations, one of the primary goals

of any law enforcement agency should be to help ensure the accurate reporting of information that the public needs to know” (p. 1). In return, the media will help in providing the public with information favorable to law enforcement or will more often than not portray law enforcement in a positive light. As observed by Motschall and Cao (2002), “the goal of public relations is viewed as high priority in terms of a police agency’s overall operations, one that relies so heavily on public support” (p. 156). A positive public image is critical in gaining the cooperation of the community, as well as gaining public approval for obtaining the resources needed to function adequately. Regarding public opinion towards law enforcement, Dowler and Zawilski (2007) stated, “the popular media is of fundamental importance in the construction of attitudes toward criminal justice and criminal justice agents” (p. 193). The opinion formed by the media will, in all likelihood, be transcended onto the public; therefore, it is important to acquire one that will be seen as positive.

The media itself can be used as a valuable tool in completing the missions of law enforcement, and this can be accomplished in numerous ways. Media units or PIOs have become the standard in maintaining communications between the police and the media. As reported by McGovern and Lee (2010), “media units have played an ever-increasing role in managing the dissemination of information between the police and media organizations” (p. 444). The role of the media unit or PIO has helped to join this information gap like nothing before. As pointed out by Motschall and Cao (2002), “the public information function and PIO position was established in response to the need for police agencies to engage in more frequent and effective communications with external audiences such as the media and general community” (p. 177). The media unit and

PIO are law enforcement's response to the ever changing requirements of the community, as well as information needs of the media. The results are, as observed by Schwerfeger (2010), "by teaming with the community, and more important, capitalizing on a professional relationship with the media, a true teammate in the success of a common goal" (p. 15).

Enhancing the image of law enforcement can be achieved by engaging the media through the use of the PIO. As described by Simmons (1999), "public information units in law enforcement are savvy enough to realize that the textual needs of the media, whether print, audio, or visual, have to be respected for the sake of the images they have the power to represent" (p. 74). By utilizing the PIO to publicize a department's community outreach programs, law enforcement can also become a friend in the eyes of the public. In agreement, Chermak and Weiss (2005) stated, "PIOs package information in a way that increased the likelihood that the media covered the department in a positive way" (p. 504). Regarding the role of the PIO, their use has unquestionably been seen as an advantage. As reiterated by Chermak and Weiss (2005), "not all departments had a public information officer, but those that did have a better relationship with the media" (p. 504). To work successfully with the media the PIO is a tool that has proven to be invaluable.

Governmental agencies in general are typically the object of numerous public information requests. In responding to these requests, law enforcement should become the example by which all other governmental agencies are compared. This can also be achieved by building a solid, lasting relationship with the media. And law enforcement is no different from other governmental entities. As stated by Chermak and Weiss

(2005), “police organizations have to be aware of the media because they are one external actor that penetrates government bureaucracy regularly” (p. 501). Although other information sought by the media is usually of importance, most information does not compare to that which is provided by the police. As explained by Chermak and Weiss (2005), “media organizations have exchange relations with many different source organizations, but working effectively with the police is perhaps the most important one because of the emphasis on the beginning stages of the criminal justice system in the news” (p. 511). Few areas of information reach the same level of significance as that associated with crime. And again, it is the role of the media to report it.

COUNTER POSITIONS

In reviewing the role that the media plays with law enforcement, some would consider this relationship as negative or counterproductive. As described by Crawford (1994), “the relationship between law enforcement and the news media has been fraught with conflict” (p. 28). Some scholars have provided arguments against further or greater transparency by law enforcement. One such is that the media providing information to the public would compromise ongoing investigations. As observed by Caeti, Liederbach, and Bellew (2005), “the media can hinder an investigation that is ongoing by releasing information that could be used in subsequent interviews of suspects” (p. 91). Information known only by the suspect, or details about witnesses, could potentially harm criminal cases or endanger the very people we seek to protect. Certainly, these concerns have been recognized by everyone involved. But as explained by Rosenthal (1999), “police officers are concerned first and foremost with

protecting public safety, insuring the integrity of their investigations, and enhancing prospects for successful results” (p. 38).

In contrast to these claims, not all released information can be harmful to ongoing investigations. An example made by Rosenthal (1999) stated, “a great deal of information can still be released to the media without jeopardizing any of those legitimate police concerns” (p. 38). It is important to release at least some information as soon as possible, information that provides the public with a general idea of what has occurred. In return, the media may be able to help with ongoing investigations or situations that have just been reported. As described by Rosenthal (1999), “in the early stages of a still-developing incident, reporters may learn critical facts before you and your people do” (p. 39). Important information can and should be provided to police based on this ongoing level of mutual cooperation with the media. As Rosenthal (1999) pointed out, “they’ll be much more willing to share their information with you (knowing it will quickly get to their peers and competitors) if you are open and share information with them as well” (p. 39).

Another concern by law enforcement agencies regarding media attention revolves around the propensity for the media to capitalize on events often seen as unfavorable to police departments. This would include the arrests of police officers, questionable use of force issues and other incidents that bring the credibility of law enforcement into question. An example presented by Motschall and Cao (2002) involved, “widespread media attention to local and national level events involving questionable police tactics continues to have a negative effect on the overall image of law enforcement” (p. 154). Another instance by Motschall and Cao (2002) included,

“police use of force and the extent to which officers follow correct procedures at a crime scene are just two issues that could fuel public criticism of the police” (p. 154). Both of these examples show how the media took advantage of a situation purely to portray law enforcement in a negative light.

When confronting bad situations, regardless of how serious, it is vital to be open and up front with the media. As stated by Rosenthal (1999), “the surest way to minimize the damage that’s already been done is to acknowledge what’s happened and let the media know you’re prepared to deal with the issue and with them, head on” (p. 114) and “the first critical thing to remember in handling an ugly situation is, don’t hide it” (p. 114). The last thing that a law enforcement agency should do is to hide or try to cover up a situation that has already happened. Additionally, Vance (1997) pointed out, “the media will run the story whether law enforcement officials like it or not” (p. 1). Sooner or later, bad things will unfortunately happen to police officers, and it is up to all law enforcement administrators to handle the situations as quickly and transparently as possible. As stated in another point by Vance (1997), “in such instances, an agency’s best media strategy is to offer a complete account of what happened, consistent with legal constraints, and let the issue run its course” (p. 2). It is imperative that whatever stories the media reports is based on the facts, and there is no one better to provide these facts than those involved.

One aspect of the media that is looked down upon by those in law enforcement involves the portrayal of society as being much more dangerous than it truly is. Two examples made by Simmons (1999) stated that, “people who received information solely through the news media overestimated the frequency of murder and robbery” (p.

73) and, “the media exaggerates the prevalence of violent crime” (p. 73). Although crime rates may be extraordinarily low in some areas, the media gives the public the impression that crime is out of control and the police are not doing their job. As a result of these exaggerations, the public becomes unjustifiably fearful. As pointed out by Getty (2001), “it presents the infrequent crimes as though they were constant occurrences” (p. 128). The public is made to have a false sense of fear and the media continues to feed this fear every day. Some presume this strategy is due to the lack of cooperation by police, as Caeti, Liederbach, and Bellew (2005) explained, “the media attempts to sensationalize all of their stories if they can’t get the news due to the police, then the media will make up facts and broadcast lies to the American public” (p. 91). The media will often print or run their stories, regardless if the information is complete or accurate. And as Simmons (1999) concluded, “media portrayals of crime also increase public fear of being victimized” (p. 73). The public is simply being exploited and mistreated by the media, all in the name of selling newspapers or acquiring high ratings.

Law enforcement’s role in protecting the public involves informing them by whatever means are at their disposal. Cooperation with the media is one key to this being a successful endeavor. Regarding adverse opinions of the media, much of the blame lies with the police themselves. As stated by Parrish (1993), “the antimedia bias expressed by law enforcement officers is often born out of ignorance about journalists and their work” (p. 2). Many in law enforcement dislike the media because they lack the knowledge and experience to speak authoritatively on the subject, and oftentimes they do not ask the right questions or attempt to seek out the whole truth. Also, “police administrators need to use the media to get the message out” (Parrish 1993). Chiefs

and sheriffs must learn to utilize the media in a positive manner and in ways to provide accurate information to those who rely on them and will hold them accountable.

Many of the reasons for the public's false perception of fear is due to a lack of honest and complete information. The public should acquire a true understanding of what is happening in society through the information provided to the media by the police. Regarding this public perception, Parrish (1993) wrote, "they make decisions on the police department's effectiveness based on what they read, see, or hear" (p. 2). To provide a true sense of comfort to those within the community, police administrators should be much more open and honest with everyone. As Parrish (1993) explained, "television, radio, and the print media provide a forum for a department's accomplishments and policies, Law enforcement managers should appear before the public frequently to show direct involvement in the fight against crime" (p. 2).

CONCLUSION

Regarding all information, law enforcement agencies have a tremendous obligation to report to the public and the community. With a resource such as the modern media at their disposal, the possibilities are never ending. The public's right to know is paramount to the historical veil of secrecy police departments once enjoyed. As stated by Rosenthal (1999), "the free flow of information is one of the cornerstones of our society" (p. 8). It is the duty of law enforcement to meet all of the expectations of those they are sworn to protect.

Building a high level of trust between the public and police must be a priority of all law enforcement agencies. The PIO can be influential in bringing confidence to the table. As presented by Motschall and Cao (2002), "the police PIO position has emerged

as an important symbol and instrument of law enforcement's move from a closed system (paramilitary) to a more open system (service work) of communication" (p. 177). Open communication is the key to the public having faith in their police and having a feeling of safety in their community.

The media represents an important asset for law enforcement, specifically for enlisting the community's involvement in police activities. As explained by Motschall and Cao (2002), "many law enforcement agencies today have instituted communication/public information programs to inform the public about and involve community members in law enforcement activities" (p. 154). Without the assistance and involvement of the community, many of the functions provided by police would be far less effective.

In the area of transparency, law enforcement agencies must strive to be the epitome of openness when compared to other governmental agencies. Administrators should make every effort to provide as much accurate information as possible in a timely manner. As explained by Motschall and Cao (2002), "environmental forces have given rise to law enforcement public information programs and professional standards, which some believe are part of a larger organizational movement from a paramilitary orientation to a service work approach" (p. 158). Police, as with all governmental agencies, must endeavor to become more transparent.

Complaints of media representative compromising ongoing investigation by providing news coverage to the public are without merit. Some information can and should be released by law enforcement agencies. Although the media and public have a true right to this information, there are critical situations where most can be withheld.

As Rosenthal (1999) pointed out, “these are legitimate needs of law enforcement that generally transcend the First Amendment right of the media” (p. 38). The public’s right to know does not necessarily mean a right to know right now.

Bad things do happen to law enforcement agencies, and the media can and will report on these events. The media’s intent is not to damage the police public image, but rather, it is to report the facts of what has occurred to the public. Regarding the media, Rosenthal (1999) explained, “they have a job to do, just like you, and they will do it” (p. 72). By working closely with the media and developing an open, professional relationship, the story printed or aired will most likely be portrayed in a manner that minimizes harm to everyone involved, especially to those in law enforcement.

Having a good working relationship with the media can be very beneficial to law enforcement, as well as to the public. Some police agencies have already taken steps to develop a true partnership with all parties involved. But to add to this success, all law enforcement agencies should strive to be more transparent when working with the media.

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